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DE RUEHKL #1025/01 3640808
ZNR UUUUU ZZH (CCY AD049B38 MSI2503-695)
O 300808Z DEC 09 ZDS
FM AMEMBASSY KUALA LUMPUR
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3643
INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY

UNCLAS KUALA LUMPUR 001025

SENSITIVE
SIPDIS

C O R R E C T E D C O P Y (CAPTION ADDED)

E.O. 12958: N/A
TAGS: [KTIP](#) [KCRM](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [MY](#)
SUBJECT: SUCCESSFUL ANTI-TIP TRAINING OF MALAYSIAN
OFFICIALS COMPLETED

REF: A. KL 906 MALAYSIA: GTIP STAFF VISIT AUGUST 15-21
 B. KL 896 MALAYSIA ATTORNEY GENERAL'S CHAMBERS
 CONDUCTS TIP TRAINING FOR ENFORCEMENT
 OFFICERS
 C. KL 832 MALAYSIA -- MEETING WITH HEAD PROSECUTOR
 ON TIP
 D. KL 775 TIP AMBASSADOR CDEBACA'S VISIT TO
 MALAYSIA AUGUST 25-27

1. (SBU) Summary and Comment: From December 8-16, a four-member United States Department of Justice Office of Overseas Prosecutorial Development, Assistance, and Training (USDOJ-OPDAT) team, funded by the Department's Office to Monitor and Combat Trafficking in Persons (G/TIP), conducted two successive three-day trafficking in persons (TIP) training seminars for GOM officials. The team consisted of a federal judge, federal prosecutor, FBI Special Agent, and FBI victims' specialist with working experience in human trafficking cases. The team trained 70 participants including judicial officers, prosecutors, law enforcement officers, women's shelters employees, and labor department employees on identifying and caring for victims of human trafficking, as well as how to investigate and prosecute TIP cases under Malaysia's 2007 Anti-TIP Act. Overall, the training provided Malaysian officials with a solid framework for how to proceed in cases that involve TIP issues and led to a fruitful discussion of how to treat victims of trafficking. It also provided a forceful GOM interagency discussion on the need for better enforcement of the law. The GOM appreciated USG assistance and has requested follow-on training. End Summary and Comment.

2. (SBU) In the weeks following Malaysia's placement on Tier Three of the 2009 TIP Report in June, Tun Majid, Head of Prosecution of the Attorney General's Chambers (AGC) requested Embassy Kuala Lumpur support in educating law enforcement and prosecutors on how to successfully investigate and try human trafficking cases. In the subsequent months, the plan for training expanded to include participants from the Malaysian judiciary, Women's Ministry, and Labor Department. The training workshop was intended to provide detailed instruction on how to identify and care for victims of human trafficking, focus on a whole of government approach, and how to investigate and prosecute TIP cases under Malaysia's new Anti-TIP Act. Taught by a diverse team that included Judge Virginia Hernandez Covington, U.S. District Court for the Middle District of Florida, Assistant U.S. Attorney Demetri Jones, FBI Special Agent Gary Brown, and FBI victims' counselor Kathleen Liner, the goal was to foster collaboration and discussion between Malaysian judiciary, prosecutors, law enforcement, victims' specialists, and labor department employees on anti-trafficking issues. Judicial officers, representatives from the AGC, Royal Malaysian Police, Immigration Department, Maritime Enforcement Agency, Labor Department, Royal Malaysian Customs, and Women's Ministry attended. After

initial pushback, Malaysian officials allowed three participants from local NGOs - Tenaganita, Boat People SOS, and the National Council of Women's Organizations, Malaysia - to attend the training. While initially allowing the NGOs to be present during the case studies portion of the training, ultimately they allowed the NGOs to participate in the entire second day of both training sessions. The two trainings were held December 8-10 and December 14-16. Each class had approximately 35 students leading to 70 Malaysian officials trained during these sessions. Jane Sigmon and Kelly Heinrich of G/TIP attended the first week's training session.

13. (SBU) The training was provided by USDOJ-OPDAT team and funded by G/TIP. The Malaysian AGC provided a venue for the training as well as buffet-style lunches. Deputy Public Prosecutor Dusuki Mokhtar and Assistant Public Prosecutor Adilla Ahmad facilitated the training programs. The workshop included presentations from each of the team members regarding their area of expertise followed by break-out groups to review and analyze case studies. Throughout the training, the Malaysian officials gave presentations on their case studies and on the last day, participated in a moot court. A prosecutor from the AGC gave a class on the new Malaysian anti-TIP law. There was a heavy press presence covering the opening of the training, however, there were no published reports in the local news.

14. (SBU) At G/TIP's request, the DOJ-OPDAT team distributed, collected, and reviewed daily evaluation reports from the training participants. The evaluations revealed that the participants generally wanted more interactive training with less lecture-style presentations and more information on how to work with victims. The DOJ-OPDAT team, with the assistance of G/TIP and Embassy Kuala Lumpur, significantly amended the training in the second week to be responsive to these suggestions. While both sessions of training were helpful,

the second week of training was a greater success because of its interactive features and stimulation of discussion on difficult issues.

15. (SBU) Embassy Kuala Lumpur created the four case studies utilized by the DOJ-OPDAT Team. The case studies covered victims of trafficking who found themselves in forced domestic servitude, forced labor at a toy factory, indentured servitude at a plantation, and forced to work in the sex industry. The breakout groups determined who were the victims, what criminal charges applied, what legal procedures needed to be followed under the Anti-TIP Act, and created an investigation and litigation plan regarding witness testimony, evidence collection, witness protection, and general case strategy. These exercises, wherein law enforcement, prosecutors, victims' specialists, and other government officials worked together, offered some of the more constructive benefits of the training. The participants excelled in the training and gained a better understanding of human trafficking.

16. (SBU) On December 9, the Malaysians held a panel discussion that included Tun Majid, the AGC's Head of International Affairs Division Azailiza Mohd Ahad, as well as representatives from the Royal Malaysian Police, Immigration Department, Maritime Enforcement Agency, and Royal Malaysian Customs. Tun Majid's remarks were extremely critical of the anti-trafficking efforts being made by law enforcement agencies. He commented that when law enforcement agents place TIP victims in handcuffs it more resembles an "arrest" than a "rescue." He noted that his cases rely on the cooperation of the rescued victims and that the enforcement officers needed to work better to establish trust with the victims as well as conduct better investigations of the arrest site for corroborating evidence. He emphasized the need for enforcement agencies, not prosecutors, to enforce the anti-TIP law and that criminal prosecutions were being held up by ineffective investigations. When he was later asked by an Immigration official how to enforce the Anti-TIP law, Tun Majid quickly shot back, "The law is simple. You know how to enforce laws - you have been doing it for time in memoriam. Now go enforce the law!" Azailiza Mohd Ahad explained what it

meant to be ranked Tier Three on the 2009 TIP report from an international perspective and described the efforts made in 2007 to pass the Anti-TIP Act. She noted that now was the time for Malaysia to implement the second phase of the plan) to enforce the anti-trafficking law. None of the representatives from the law enforcement agencies challenged the comments made by Tun Majid or Azailiza Mohd Ahad. To the contrary, they all took a conciliatory tone, noting that they are trying their best but knew they had to do better.

¶17. (SBU) On December 11, in between the two training sessions, PolOff and the DOJ-OPDAT team visited a TIP shelter run by the GOM and another TIP shelter run by a local NGO. As described in reftel, conditions at government shelters raised concerns. The facilities, with high walls, bright lights, and razor wire, resemble detention facilities rather than women's shelters.

Several victims told PolOff that they had been locked in their rooms until just before the team arrived. The government shelter lacked activities for the TIP victims and lacked trained counselors to work with the TIP victims. Conversely, the NGO shelter provided a far more nurturing setting with substantive activities as well as counseling and therapy by qualified professionals.

¶18. (SBU) During the second week of training, the DOJ-OPDAT team utilized their experience at the TIP shelters in their training. FBI Victims' Specialist Kathleen Liner explained the differences between the two shelters and how treatment in the government shelters could mirror the treatment a victim receives at the hands of the traffickers. Although the class initially rejected Ms. Liner's assessment, a spirited discussion on how Malaysia cares for the victims of trafficking ensued. Over the remaining training period, many participants approached Ms. Liner to explain that they had never considered some of the factors she had mentioned in her presentation. Some acknowledged that they had never considered how placing victims into a detention-style facility might affect them. Others requested training from local NGOs on how to effectively run a TIP shelter. Ms. Liner's direct approach led to an open and frank conversation on an issue of significant import in Malaysia) how to care for the victims of TIP.

¶19. (SBU) The participants were serious and put forth a significant effort to master the material. Embassy Kuala Lumpur and the DOJ-OPDAT Team identified several top performers within each of the ministries who could be selected for follow-on training in the future. In general, the training was another positive step in the providing of anti-TIP training to Malaysian government officials. The GOM was appreciative of our continued training support and asked

to be considered for additional anti-TIP training in the future.

¶10. (SBU) G/TIP cleared this cable.
KEITH